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§§ 282-287; Dec. Dig. § 116.\* 1 Va.-W. Va. Enc. Dig. 276; 14 Va.-W. Va. Enc. Dig. 36; 15 Va.-W. Va. Enc. Dig. 34.]

Appeal from Law and Chancery Court of City of Norfolk.

Action by the Third National Bank of Columbus, Ga., against the National Bank of Commerce of Norfolk, Va., and the Bank of Tarboro, in which Ed. Pennington, receiver of the last-named bank, intervened. From a decree for plaintiff, the receiver appeals. Affirmed.

*Willcox, Cooke & Willcox*, of Norfolk, for appellant.

*E. R. F. Wells and Tazewell Taylor*, all of Norfolk, for appellee.

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MORRIS et al. v. BERNARD et al.

March 13, 1913.

[77 S. E. 458.]

**1. Deeds (§ 93\*)—Construction—Intent.**—All parts of a deed must be considered and that construction adopted which will carry out the intent of the parties, which intent must be gathered from the language used.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 231, 232; Dec. Dig. § 93.\* 4 Va.-W. Va. Enc. Dig. 419; 14 Va.-W. Va. Enc. Dig. 320; 15 Va.-W. Va. Enc. Dig. 268.]

**2. Deeds (§ 95\*)—Construction—Technical Words.**—Where words in a deed have a well-defined technical meaning, they should be given that meaning, especially where drawn by a professional hand.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 238, 241-254; Dec. Dig. § 95.\* 4 Va.-W. Va. Enc. Dig. 426; 14 Va.-W. Va. Enc. Dig. 322; 15 Va.-W. Va. Enc. Dig. 270.]

**3. Deeds (§ 95\*)—Construction—Meaning of Words.**—The court should give the proper meaning to every word used in the instrument, if possible.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 238, 241-254; Dec. Dig. § 95.\* 4 Va.-W. Va. Enc. Dig. 426; 14 Va.-W. Va. Enc. Dig. 322; 15 Va.-W. Va. Enc. Dig. 270.]

**4. Deeds (§ 97\*)—Construction—Conflict.**—In case of conflict between two provisions in a deed, the last should yield to the first, and the first be given its full effect.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 267-273, 434-447; Dec. Dig. § 97.\* 4 Va.-W. Va. Enc. Dig. 422; 14 Va.-W. Va. Enc. Dig. 322.]

**5. Deeds (§ 97\*)—Construction—Conflict.**—When a provision is

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

made in a deed in unambiguous words, it cannot be revoked by implication by a later clause.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 267-273, 434-447; Dec. Dig. § 97.\* 4 Va.-W. Va. Enc. Dig. 422.]

**6. Deeds (§ 93\*)—Construction—Intent.**—All rules of construction have but one object, and that is to ascertain the intent of the parties; and, if such intent contravenes no rule of law, full effect must be given it.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 231, 232; Dec. Dig. § 93.\* 4 Va.-W. Va. Enc. Dig. 419; 14 Va.-W. Va. Enc. Dig. 320; 15 Va.-W. Va. Enc. Dig. 268.]

**7. Deeds (§ 129\*)—Construction—Life Estate—"Heirs."**—A deed conveyed property to a trustee to hold for the benefit of husband and wife for their life, or the life of the survivor, and after their death to their daughter and the "heirs of her body," and, if the daughter died without lawful issue surviving her, for the benefit of E. and her children as to one moiety, and benefit of F. as to the other moiety, and, if both the daughter and E. should die, then to F. The deed then provided that the trustee, on the death of the husband and wife and their daughter, should convey the fee to the daughter's children, if any, otherwise to E. and F., etc. Held, that the daughter took only a life estate, as the word "heirs" was used in the sense of "children," and hence a deed by her in her lifetime conveyed only a life estate.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 351, 360-365, 416-430, 434, 435; Dec. Dig. § 129.\* 4 Va.-W. Va. Enc. Dig. 434.

For other definitions, see Words and Phrases, vol. 4, pp. 3241-3265; vol. 8, pp. 7677, 7678.]

Appeal from Circuit Court, Campbell County.

Bill for partition by B. F. Bernard and another against John Morris and Grace D. Morris, by next friend. From a decree adjudging that defendant Grace D. Morris, had no interest in the property, she appeals. Affirmed.

*Scott & Buchanan*, of Richmond, for appellant.

*S. V. Kemp*, of Lynchburg, and *Frank Nelson*, of Rustburg, for appellees.

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MILLER'S TRUSTEES et al. v. SMITH et al.

March 13, 1913.

[77 S. E. 462.]

**1. Trusts (§ 329\*)—Accounting of Trustee—Report of Commissioner—Modification on Appeal—Effect—Where the commissioner's**

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.